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July 14, 2018

Hon. Katherine B. Forrest  
United States District Judge  
Southern District of New York  
500 Pearl Street  
New York, New York 10007

Re: United States v. Steven Pastore- 15cr491(KBF)  
Further request for Order directing government  
to address legal forfeiture standards.

Dear Judge Forrest:

This Court directed the government to respond to Mr. Pastore's lengthy submission discussing the possible forfeiture hearing, in connection with Mr. Pastore's sentencing now scheduled for August 8, 2018. Yesterday, the government provided a brief listing of evidence it has disclosed, and stated it was still trying to find further information.

The government did not respond at all to the law discussed in Mr. Pastore's letter. We ask the Court to direct the government to do so.

The whole purpose of a forfeiture hearing is to determine the forfeiture amount, if any. The whole purpose of our request was to avoid the wasting of the Court's time, and our client's, in holding an unnecessary hearing.

The law dictates the parameters of the hearing. If we are correct, the government does not have the evidence to substantiate forfeiture at a hearing, because it has no evidence, we believe, that establishes that

Mr. Pastore obtained *any* traceable proceeds. That is why we asked for discovery *and* a decision on the law, so we – and the government – will know what evidence has to be produced at the hearing, and what is irrelevant.

We asked in advance, because the government has taken the position that *Honeycutt* -- with its requirement that a defendant individually obtained proceeds -- is inapplicable and that earlier decisions apply. We discussed those cases – and we discussed why the government’s seeming position is incorrect – in the letter seeking a response.

I asked Ms. Estes whether the government intends to respond to this “legal” part of our submission. She responded that the Court may seek *post*-hearing briefing. That will be too late to limit any hearing appropriately and to give guidance to the defense.

I therefore ask the court to direct the government to respond to the entire letter of June 26, 2018, as we believe this Court directed -- not just the portions it selects. In this developing area of law, we should know the standards before any hearing.

Very truly yours,  
/s/  
Vivian Shevitz

Larry J. Silverman, of counsel